

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, as Executrix of the
ESTATE of HELEN RUNGE,

Plaintiff,

v.

WALTER J. KELLEY; KERRY L.
BLOOMINGDALE, M.D.; and
SUNBRIDGE NURSING AND
REHABILITATION CENTER,

Defendants.

Civil Action No. 05-10849-RGS

**MOTION IN LIMINE BY ALL DEFENDANTS TO PRECLUDE
DOROTHY AND GILBERT STANLEY FROM TESTIFYING
REGARDING EVENTS PRIOR TO APRIL 29, 2003**

The Stanleys have no personal knowledge of events occurring at Mediplex of Massachusetts, Inc. d/b/a SunBridge Care and Rehabilitation for Randolph prior to their arrival at the facility on April 29, 2003. They have no personal knowledge of Helen Runge's interactions with Dr. Kerry Bloomingdale or with her attorney, Walter Kelly. They have no personal knowledge of Helen Runge's opinions regarding the actions of the Defendants or her level of assent to and approval of the Defendants' actions. Their sole source of knowledge of these events is the hearsay statements of Helen Runge. Because those statements cannot form the basis of their testimony, the Stanleys cannot establish that they have the requisite personal knowledge of the events to which they will be testifying.

Helen Runge became a resident at SunBridge's Randolph facility on January 22, 2003. She was removed from the facility by Dorothy and Gilbert Stanley on April 30, 2003, the day after the Stanleys first visited with Helen Runge on April 29, 2003. The Stanleys were not

involved in the admission process in January of 2003. They were not involved in any of the healthcare decisions related to Helen Runge at any point during her stay. With the exception of a limited number of telephone calls between Dorothy Stanley and a SunBridge nurse, during which the nurse was unable to give any details about Runge's case because of HIPAA restrictions, the Stanleys have no personal knowledge of events at SunBridge between Helen Runge and the facility or its staff. With the exception of Dorothy Stanley's limited telephone contact with a facility nurse, the Stanleys' knowledge of this time period is based entirely on what was told to them verbally and in writing by Helen Runge or what they have read in the records.

During her stay at SunBridge, Helen Runge was cared for by a number of medical professionals in addition the SunBridge staff, such as Dr. Bloomingdale and the staff of New England Geriatrics, as well as other medical specialist in podiatry, optometry and dental care. The Stanleys have never spoken to these caregivers and have no personal knowledge of their interactions with Helen Runge, the care they provided or Helen Runge's assent to those services.

The Stanleys have only spoken to Walter Kelly on one occasion while Helen Runge was a resident of SunBridge. They had no involvement in decisions related to his representation of Helen Runge. The Stanleys spoke with Walter Kelly in April of 2003 prior to their arrival at SunBridge on April 29, 2003, and their forcible removal of Helen Runge from SunBridge on April 30, 2003. They discussed Helen's refusal to take her medications and that Kelly was going to seek a Rogers petition. **Exhibit A** – *Depo of Dorothy Stanley, Vol. 1*, pages 130-134.

Under Rule 602 of the Federal Rules of Evidence, "[a] witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter." The Stanleys should therefore be precluded from testifying about any events occurring at SunBridge other than (1) their personal observations made by them on April

29 and 30, 2003 and (2) the discussions with SunBridge staff identified in their depositions and detailed below.

The Stanleys should be precluded from testifying regarding the relationship between Runge and her attorney, Walter Kelly, as they have no personal knowledge of these interactions.

I. SunBridge

A. Lack of Personal Knowledge about Helen Runge's Stay at SunBridge

During their depositions, the Stanleys acknowledged their lack of personal knowledge about what was happening with Helen Runge during and before her three month stay at SunBridge.

Q Do you have any personal knowledge of what healthcare services Helen was and was not being provided while at Sunbridge?

A Are you asking me -- put a time frame on that, please.

Q Well, during the entire period at Sunbridge. Is there some period where she got ---

A No. What I'm saying is you asked if I had personal knowledge. At what point in time did I have that personal knowledge, is what I'm trying to get at, and I'll answer the question my way.

Q During ---

A I'll answer the question my way. She wrote a letter, which I certainly had personal knowledge of, saying that she did not have podiatry care, she did not have dental care, she didn't have proper eye care, and she needed a hearing aid.

Q So is it -- I'm sorry.

A And that, if I remember right, was about the 21st or probably we got it about the end of March of '03.

Q During the time Helen was actually at Sunbridge, did you have any other information about what care she was and wasn't receiving?

A When -- excuse me. When she was at Sunbridge during that period of time?

Q Yes.

A No, because we could get nothing, no information, out of Sunbridge.

Exhibit A – *Depo of Gilbert Stanley, Vol. 1*, page 161, lines 7 – page 162, line 12.

Q Do you have any actual knowledge of the discussions that went into deciding on Sunbridge?

A I was just informed.

Exhibit C – *Depo of Dorothy Stanley, Vol. 2, page 69, lines 9 – 12.*

Q Do you have any personal knowledge about what medical care she was receiving while at Sunbridge?

A I would have been seeing this part of -- like I said, I have not read it. I have not had access to it. No, because I was not privileged to know.

Exhibit C – *Depo of Dorothy Stanley, Vol. 2, page 71, lines 11 – 17.*

Notwithstanding Mr. Stanley's misunderstanding to the contrary, personal knowledge of letters written by Helen Runge does not constitute personal knowledge on the part of the Stanleys as to the events described in those letters. The statements made to the Stanleys by Helen Runge are second level hearsay. Knowledge of these inadmissible statements cannot form the basis of "personal knowledge" sufficient to permit the Stanleys to testify about these events. *United States v. Blackwell*, 459 F.3d 739 (6th Cir. 2006).

Likewise, the only basis for the Stanleys' knowledge of events involving Helen Runge leading up to her three-month stay at SunBridge prior to April 29, 2003 is what they read in letters written by Helen Runge or what they were told by Helen Runge. Outside of the information provided by Helen Runge or what the Stanleys have subsequently read in various records, the Stanleys lack personal knowledge of much of what occurred in Helen Runge's life prior to their removing her to North Carolina in late April 2003. They were even unaware of her earlier hospitalization for psychiatric care.

Q Before you came here today, were you aware that Helen Runge had a social worker assigned to her in 2000?

A Had a social worker assigned to her in 2000 from where?

Q Did you have any knowledge of any social workers working with her in Boston in 2000?

A No.

Exhibit B – *Depo of Gilbert Stanley, Vol. 1*, page 168, lines 15 – 22.

Q So you weren't aware that that social worker had been involved in getting her sent to Jewish Memorial Hospital for a psych evaluation?

A No.

Exhibit B – *Depo of Gilbert Stanley, Vol. 1*, page 169, lines 8 – 12.

Q Do you know anything about your mother's stay at Jewish Memorial Hospital in 2000?

A No. I hadn't heard she stayed there.

Q You don't know anything about her stay at Jewish Memorial Hospital?

A Not that I can recollect.

Exhibit A – *Depo of Dorothy Stanley, Vol. 1*, page 86, lines 14 – 19.

B. Telephone Calls with SunBridge Staff

Dorothy Stanley did have telephone contact with a nurse from SunBridge during Runge's stay. But according to her deposition testimony, the nurse was unwilling to give her details related to Runge's treatment due to HIPAA restrictions.

Q Yesterday, you talked about a conversation you had with Nurse Kayla about whether or not your mother was taking medication; do you remember that conversation?

A Okay. Yes, probably. Yeah. Okay. Go ahead.

Q Did you inquire about what those medications were?

A The exact pills? Not the exact pills, no.

Q Did you ask about what the medications were treating, what they were for?

A I wouldn't have been allowed the knowledge.

Q Why is it that you wouldn't have been allowed that knowledge?

A I'm not her healthcare proxy, and under HIPPA, they would have not given me that over the phone. We certainly wouldn't give it at the hospital for someone on the phone like that either.

Q Do you have any personal knowledge about what medical care she was receiving while at Sunbridge?

A I would have been seeing this part of – like I said, I have not read it. I have not had access to it. No, because I was not privileged to know.

Exhibit C – *Depo of Dorothy Stanley, Vol. 2*, page 69, line 13 – page 71, line 17.

C. April 29 and 30, 2003

With regard to April 29 and 30, 2003, Dorothy and Gilbert Stanley can testify about their personal observations made at SunBridge, but cannot testify about what Helen Runge told them about what medications had been prescribed to her, how those medications effected her, how the facility treated her, her opinions about the care she received at the facility or what was said to her by facility staff or other individuals. All information conveyed to them by Runge either while at the facility or after she was removed to North Carolina would still be hearsay and cannot form the basis for testimony by Gilbert and Dorothy Stanley.

II. Walter Kelly

Likewise, the Stanleys have no personal knowledge of the relationship between Helen Runge and Walter Kelly and therefore should not be permitted to testify on the matter. The Stanleys' personal knowledge is limited to what they did while at SunBridge on April 29-30, 2003 and when they removed Helen Runge. Their limited phone conversations with Kelly cannot be the basis of their testimony, rather their testimony must be limited to their own personal observations.

III. Non-SunBridge Caregivers

Because the Stanleys never interacted with the non-SunBridge caregivers treating Runge (such as the staff of New England Geriatric, her dentist, her podiatrist, her optometrist, etc.), any testimony by the Stanleys concerning their examinations of Helen Runge or the treatments they prescribed or her reactions to those treatments can only be based on what they were told and not on their own observations. Therefore, the Stanleys should not be permitted to testify regarding any interactions between Helen Runge and her non-SunBridge caregivers.

IV. Conclusion

Given the extremely limited involvement of the Stanleys in Helen Runge's interactions with the Defendants, the Stanleys cannot testify about those interactions without relying on the inadmissible hearsay statements of Helen Runge. This lack of personal knowledge should limit the testimony of Gilbert and Dorothy Stanley to those events in which they were personally involved. They should not be permitted to circumnavigate the preclusion of Helen Runge's hearsay statements simply by adopting those purported statements as their own testimony.

Respectfully submitted,

**Mediplex of Massachusetts, Inc.
d/b/a SunBridge Care and
Rehabilitation for Randolph**

by its attorneys,

/s/ Michael Williams
K. Scott Griggs (BBO# 555988)
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Walter J. Kelly,
by his attorneys,

/s/ George C. Rockas
George C. Rockas, BBO #544009
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CERTIFICATE OF SERVICE

I hereby certify that this Document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 13, 2008.

/s/ Michael Williams

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
NO.: 05-10849-RGS

HELEN A. RUNGE,)	
Plaintiff,)	
v.)	DEPOSITION OF
)	
WALTER J. KELLY, et al.,)	DOROTHY STANLEY - DAY
Defendants.)	

On Tuesday, November 14, 2006, commencing at 10:13 a.m., the deposition of Dorothy Stanley was taken on behalf of the Defendants at Isothermal Community College, 1255 West Mills Street, Columbus, North Carolina, and was attended by Counsel as follows:

APPEARANCES:

GLENN R. DAVIS, ESQ.
Latsha, Davis, Yohe & McKenna, P.C.
1700 Bent Creek Boulevard, Suite 140
Mechanicsburg, Pennsylvania 17050
on behalf of the Plaintiff

GEORGE C. ROCKAS, ESQ.
Wilson, Elser, Moskowitz, Edelman & Dicker, L.L.P.
155 Federal Street
Boston, Massachusetts 02110
on behalf of Walter Kelly

JAMES S. HAMROCK, JR., ESQ.
Hamrock & Tocci
101 Main Street, 18th Floor
Cambridge, Massachusetts 02142
on behalf of Dr. Bloomingdale

MICHAEL WILLIAMS, ESQ.
Lawson & Weitzen, L.L.P.
88 Black Falcon Avenue
Boston, Massachusetts 02210
on behalf of Sunbridge Nursing Home

Attending: Gilbert Stanley

REPORTED BY: Mai-Beth Ketch, CVR
ASHEVILLE REPORTING SERVICE

1 Q Hyde Savings Bank?

2 A Uh-huh. (Affirmative)

3 Q Is that a yes?

4 A Hyde Park Savings Bank, yes.

5 Q When your mother was in North Carolina, did
6 she prepare a will?

7 A Yes, she did.

8 Q To whom did she leave her assets in that will?

9 A To me and the two grandchildren.

10 Q So you and the two grandchildren got
11 everything under her will?

12 A Whatever there was. Whatever there will be
13 for (pause) ---

14 Q Do you know anything about your mother's stay
15 at Jewish Memorial Hospital in 2000?

16 A No. I hadn't heard she stayed there.

17 Q You don't know anything about her stay at
18 Jewish Memorial Hospital?

19 A Not that I can recollect.

20 BY MR. ROCKAS:

21 Let me just show you a document that may
22 stimulate your memory. Could you mark this as
23 the next exhibit, please?

24 (DOROTHY STANLEY EXHIBIT NO. 9 MARKED)

25 DIRECT EXAMINATION RESUMED BY MR. ROCKAS:

1 I asked to see charts, lab work.

2 Q No, that's not my question. Did you actually
3 ask Attorney Kelly?

4 A Him personally?

5 Q Personally.

6 A No.

7 Q So you never said to Mr. Kelly, "I'd like to
8 look at my mother's medical records," and he
9 said, "I'm not going to let you look at them"?

10 A No. But they asked at the nursing home, and
11 he refused.

12 Q You never personally asked him ---

13 A Correct.

14 Q Can you just let me try to finish my question?
15 I think you were beating me to the punch. You
16 were answering as I was finishing. Sometimes
17 that can create a garbled record. Prior to
18 your arrival in Massachusetts on or about the
19 evening of April 28, 2003, did you have any
20 communications with Attorney Kelly in April
21 2003?

22 A Not that I remember.

23 Q Well, did you have a communication with him on
24 or about April 25?

25 A Yes, yes. Yes. That was a Friday evening. I

1 can't tell you if it was the 23rd, the 24th,
2 25th, and he called me.

3 Q Called you in North Carolina?

4 A Yes.

5 Q What did he say to you?

6 A That he was having -- that they were having
7 problems with my mother taking her medication
8 and that he wanted to go to court and get a
9 Rogers petition to force her to take her
10 drugs.

11 Q What did you understand a Rogers petition was?

12 A Just that it was just something that the Court
13 ordered that the patient be medicated, be
14 forced to take the medication, if they would
15 have previously taken it. They would just be
16 force-fed their medication, and I told them I
17 didn't -- I would like -- I didn't like that
18 situation.

19 Q Well, did you know your mother's mental state
20 at the time?

21 A After talking -- just knew by talking to her,
22 and so -- and the nurse said she was pleasant,
23 cooperative, were not -- they did not have any
24 problems with her.

25 Q Well, from talking to her, you didn't know one

1 way or the other her mental state because she
2 couldn't hear you?

3 A Well, I ---

4 BY MR. DAVIS:

5 Objection. That's argumentative, George. I
6 don't think we have to get there. She's
7 already told you that she had conversations
8 with the nurses and what those conversations
9 were.

10 BY MR. ROCKAS:

11 She can answer the question.

12 BY MR. DAVIS:

13 She can answer the question, but I don't think
14 we need to get argumentative with witnesses.

15 BY MR. ROCKAS:

16 Your objection is noted.

17 BY MR. DAVIS:

18 Thank you.

19 BY THE DEPONENT:

20 I could hear my mother's responses even though
21 she couldn't always hear me. I could hear her
22 talk.

23 DIRECT EXAMINATION RESUMED BY MR. ROCKAS:

24 Q Well, what did she say in these conversations
25 to you?

1 A She would just be saying hello and "I'm so" --
2 "I can't hear you," and I could hear
3 background noise. Those type of things. "I'm
4 so glad you called."

5 Q Did Attorney Kelly tell you in the April
6 conversation that he was considering having a
7 guardian appointed?

8 A Just the Rogers petition.

9 Q He didn't mention nothing about a guardian
10 being appointed?

11 A I don't believe he did.

12 Q Were you the only one on the line with Mr.
13 Kelly?

14 A No.

15 Q Your husband was on the line?

16 A Yes, he was.

17 Q What did you tell Mr. Kelly, if anything,
18 about the medications your mother was taking?

19 A I told him I just didn't like the situation of
20 forcing her to take drugs and that I needed to
21 come and talk to her before he did anything
22 about the petition.

23 Q Did you believe your mother was being over-
24 medicated?

25 A That had -- that was a suspicion.

1 Q Did you know what medications your mother was
2 being given?

3 A No. That's what I was going to find out.

4 Q You would agree with me that you were unable
5 to determine whether she was being over-
6 medicated, because you didn't know her
7 condition and you didn't know what drugs were
8 being administered?

9 A And that's why I was going.

10 Q So you went to Massachusetts to assess the
11 situation?

12 A Yes.

13 Q How did the conversation end with Mr. Kelly on
14 or about April 25?

15 A That I told him I was coming and he told me it
16 was not necessary for me to come, and I told
17 him I was coming anyway.

18 Q This would have been the first time you saw
19 your mother since she was at Marion Manor
20 when?

21 A You tell me.

22 Q 2002 sometime?

23 A I -- yes, 2002.

24 Q So you arrived in Boston or at the Sunbridge
25 Nursing Home, which I understand is outside of

SIGNATURE PAGE

RE: Deposition of Dorothy Stanley, taken on November 14, 2006

I, the undersigned, certify that I have reviewed the foregoing transcript of testimony given by me in the above-referenced matter and hereby make the following corrections and/or changes. This testimony should be corrected as follows:

Page	Line	Correction	Reason
71	12	"MOSS" should be MATHS	TRANSCRIPTION ERROR
75	8,10,21,23	WAGGARD should be WAGETT	" "
76	8,9,10,15,19,23	Waggard → WAGETT	TRANSCRIPTION ERROR

Subject to the foregoing corrections, my testimony is as contained in the aforementioned transcript.

Signature Dorothy F. Stanley

Sworn to me and subscribed before me this 8 day of January, 2007.

Sue A. Gray
Notary Public

Notary Public for South Carolina
My commission expires in Spartanburg County Seal:
My Commission Expires October 16 2011

(EXPLANATORY NOTE: Everything the deponent says is reported verbatim. Form styles include: two dashes means a change in train of thought; three dashes means an interruption; "(pause)" means a pause or trailing off in speech.)

(Doc ID AA120)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
NO.: 05-10849-RGS

HELEN A. RUNGE,)	
Plaintiff,)	
v.)	DEPOSITION OF
)	
WALTER J. KELLY, et al.,)	GILBERT STANLEY - DAY
Defendants.)	

On Tuesday, November 14, 2006, commencing at 4:20 p.m., the deposition of Gilbert Stanley was taken on behalf of the Defendants at Isothermal Community College, Room 118, 1255 West Mills Street, Columbus, North Carolina, and was attended by Counsel as follows:

APPEARANCES:

GLENN R. DAVIS, ESQ.
Latsha, Davis, Yohe & McKenna, P.C.
1700 Bent Creek Boulevard, Suite 140
Mechanicsburg, Pennsylvania 17050
on behalf of the Plaintiff

GEORGE C. ROCKAS, ESQ.
Wilson, Elser, Moskowitz, Edelman & Dicker, L.L.P.
155 Federal Street
Boston, Massachusetts 02110
on behalf of Walter Kelly

JAMES S. HAMROCK, JR., ESQ.
Hamrock & Tocci
101 Main Street, 18th Floor
Cambridge, Massachusetts 02142
on behalf of Dr. Bloomingdale

MICHAEL WILLIAMS, ESQ.
Lawson & Weitzen, L.L.P.
88 Black Falcon Avenue
Boston, Massachusetts 02210
on behalf of Sunbridge Nursing Home

Attending: Dorothy Stanley

REPORTED BY: Mai-Beth Ketch, CVR
ASHEVILLE REPORTING SERVICE

1 made the request to the nurses, because the
2 nurses told us -- Kayla, I think was the nurse
3 involved that we talked to, said that Walter
4 Kelly was supposed to bring her telephone and
5 he hadn't brought it yet and that she didn't
6 understand what the delay was.

7 Q Do you have any personal knowledge of what
8 healthcare services Helen was and was not
9 being provided while at Sunbridge?

10 A Are you asking me -- put a time frame on that,
11 please.

12 Q Well, during the entire period at Sunbridge.

13 Is there some period where she got ---

14 A No. What I'm saying is you asked if I had
15 personal knowledge. At what point in time did
16 I have that personal knowledge, is what I'm
17 trying to get at, and I'll answer the question
18 my way.

19 Q During ---

20 A I'll answer the question my way. She wrote a
21 letter, which I certainly had personal
22 knowledge of, saying that she did not have
23 podiatry care, she did not have dental care,
24 she didn't have proper eye care, and she
25 needed a hearing aid.

1 Q So is it -- I'm sorry.

2 A And that, if I remember right, was about the
3 21st or probably we got it about the end of
4 March of '03.

5 Q During the time Helen was actually at
6 Sunbridge, did you have any other information
7 about what care she was and wasn't receiving?

8 A When -- excuse me. When she was at Sunbridge
9 during that period of time?

10 Q Yes.

11 A No, because we could get nothing, no
12 information, out of Sunbridge.

13 Q You were talking earlier about on April 29,
14 2003, when you were in a room on the third
15 floor trying to get access to Helen's medical
16 records?

17 A Yes.

18 Q Was Helen with you in that room?

19 A No.

20 Q Did Helen herself tell the staff at Sunbridge
21 that she wanted the medical records released,
22 or were you the one ---

23 A She told them that -- it's the 29th. She told
24 them that morning that she wanted her medical
25 records released to us.

1 acquiescence on her part?

2 A No. She acquiesced after she got beat up
3 around the head and shoulders, figuratively
4 speaking. But she would acquiesce, provided
5 she got the right nurse to convince her.

6 Q So the only element of force was this rule
7 about, "If you don't take your medication,
8 we're not going to let you stay as a
9 resident"?

10 A Yeah.

11 BY THE DEPONENT:

12 Off the record.

13 (OFF THE RECORD)

14 CROSS-EXAMINATION RESUMED BY MR. WILLIAMS:

15 Q Before you came here today, were you aware
16 that Helen Runge had a social worker assigned
17 to her in 2000?

18 A Had a social worker assigned to her in 2000
19 from where?

20 Q Did you have any knowledge of any social
21 workers working with her in Boston in 2000?

22 A No.

23 Q 2001?

24 A Let's see, when did she go to Marion Manor,
25 2001? She had one in -- as every resident

1 does in -- when she was at Marion Manor.

2 That's the only one that I knew of. Then she
3 obviously had one at BayView and she had one
4 at Carney and she had one at Sunbridge.

5 Q So you weren't aware that she had one prior to
6 being moved in to Marion Manor?

7 A No, of course not.

8 Q So you weren't aware that that social worker
9 had been involved in getting her sent to
10 Jewish Memorial Hospital for a psych
11 evaluation?

12 A No.

13 Q Were you aware that there were a number of
14 instances where Helen Runge had called the
15 Boston Police and Boston Fire Department about
16 bugs in her carpeting and water supposedly
17 leaking out of her walls? Do you have any
18 knowledge of those instances?

19 A No. If we had, we would have got her out of
20 the dump ahead of time.

21 Q Did you ever see the apartment she was living
22 in before she went into Marion Manor?

23 A No.

24 Q But is it your belief that if she was
25 complaining about bugs in the carpeting, that

SIGNATURE PAGE

RE: Deposition of Gilbert Stanley, taken on November 14, 2006

I, the undersigned, certify that I have reviewed the foregoing transcript of testimony given by me in the above-referenced matter and hereby make the following corrections and/or changes. This testimony should be corrected as follows:

Page	Line	Correction	Reason
8	3	DIVISION SHOULD READ "AGENCY"	TRANSCRIBED INCORRECTLY
16	20	"HAS" SHOULD READ "AS"	TRANSCRIBED INCORRECTLY
19	5	"NOW" SHOULD READ "NOT"	TRANSCRIBED INCORRECTLY
35	20	"IMPRESSIONS" SHOULD BE "POSSESSIONS"	TRANSCRIBED INCORRECTLY
39	10	"YEAH" IS NOT THE ANSWER TO THE QUESTION ON LINE 9	TRANSCRIBED INCORRECTLY
52	23	COLT → COLE	INCORRECT SPELLING
77	18	THIS WAS NOT THE ANSWER I GAVE TO THIS QUESTION. IT MAKES NO SENSE.	TRANSCRIBED INCORRECTLY.
107	23	FUND → FUN	TRANSCRIPTION ERROR.
126	6	TAKE TO → TAKE TIME TO	TRANSCRIPTION ERROR

Subject to the foregoing corrections, my testimony is as contained in the aforementioned transcript.

Signature

Sworn to me and subscribed before me this 8 day of January, 2007.

Dwight A. Gray
Notary Public
My commission expires

(EXPLANATORY NOTE: Everything the deponent says is reported verbatim. Form styles include: two dashes means a change in train of thought; three dashes means an interruption; "(pause)" means a pause or trailing off in speech.)

(Doc ID AA122)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
NO.: 05-10849-RGS

HELEN A. RUNGE,)	
Plaintiff,)	
v.)	DEPOSITION OF
)	
WALTER J. KELLY, et al.,)	DOROTHY STANLEY - DAY 2
Defendants.)	

On Wednesday, November 15, 2006, commencing at 10:34 a.m., the deposition of Dorothy Stanley was taken on behalf of the Defendants at the residence of Mr. and Ms. Stanley, 5 Stirrups Downs, Columbus, North Carolina, and was attended by Counsel as follows:

APPEARANCES:

GLENN R. DAVIS, ESQ.
Latsha, Davis, Yohe & McKenna, P.C.
1700 Bent Creek Boulevard, Suite 140
Mechanicsburg, Pennsylvania 17050
on behalf of the Plaintiff

GEORGE C. ROCKAS, ESQ.
Wilson, Elser, Moskowitz, Edelman & Dicker, L.L.P.
155 Federal Street
Boston, Massachusetts 02110
on behalf of Walter Kelly

JAMES S. HAMROCK, JR., ESQ.
Hamrock & Tocci
101 Main Street, 18th Floor
Cambridge, Massachusetts 02142
on behalf of Dr. Bloomingdale

MICHAEL WILLIAMS, ESQ.
Lawson & Weitzen, L.L.P.
88 Black Falcon Avenue
Boston, Massachusetts 02210
on behalf of Sunbridge Nursing Home

Attending: Gilbert Stanley

REPORTED BY: Mai-Beth Ketch, CVR
ASHEVILLE REPORTING SERVICE

1 it's frightening.

2 Q Was there another place that she could have
3 gone at that point?

4 A I'm -- certainly there could have been places
5 searched. Do I know what the status of every
6 unoccupied bed and nursing home in the greater
7 Boston area at that moment? That would be a
8 little far-fetched.

9 Q Do you have any actual knowledge of the
10 discussions that went into deciding on
11 Sunbridge?

12 A I was just informed.

13 Q Yesterday, you talked about a conversation you
14 had with Nurse Kayla about whether or not your
15 mother was taking medication; do you remember
16 that conversation?

17 A Okay. Yes, probably. Yeah. Okay. Go ahead.

18 Q Was it one conversation or were there multiple
19 conversations about your mother's medication?

20 A There could have been at least two of them.
21 I'm not positive on the exact number. I don't
22 recall the exact number.

23 Q Was this a case where you were asking her
24 about the medication?

25 A Was she taking her medication and most -- she

1 said most of the time she was. Occasionally
2 she wouldn't.

3 Q Did you inquire about what those medications
4 were?

5 A The exact pills? Not the exact pills, no.

6 Q Did you ask about what the medications were
7 treating, what they were for?

8 A I wouldn't have been allowed the knowledge.

9 Q Why is it that you wouldn't have been allowed
10 that knowledge?

11 A I'm not her healthcare proxy, and under HIPPA,
12 they would have not given me that over the
13 phone. We certainly wouldn't give it at the
14 hospital for someone on the phone like that
15 either.

16 Q So what did Kayla tell you about your mother's
17 taking her medication or not?

18 A That she took it most of the time, but there
19 were times that she did not and had to be
20 tried to be persuaded to take it.

21 Q What did she tell you about that persuasion?
22 What form did that persuasion take?

23 A Usually it was talking with her, maybe, you
24 know, "Take this now and maybe, you know,
25 we'll do this, take this one now," it was a

1 persuasion thing.

2 Q Was she more receptive to taking it from
3 certain nurses than others?

4 A She was with Kayla, and also that they --
5 Kayla begged her, "Please take this medication
6 or they're going to take you away, they're
7 going to put you somewhere. You must take the
8 medication," she was told, and, "Please do it
9 for me." She got down to that, "Please do me
10 the favor."

11 Q Do you have any personal knowledge about what
12 medical care she was receiving while at
13 Sunbridge?

14 A I would have been seeing this part of -- like
15 I said, I have not read it. I have not had
16 access to it. No, because I was not
17 privileged to know.

18 Q You talked about some specific complaints that
19 your mother had about Sunbridge, particularly
20 the shower. Were there other specific
21 complaints that she had about the facility?

22 A It was the water, the toilets backing up, the
23 food, the -- there was nowhere for her to go.
24 There was nothing for her to do or go or see
25 or -- there was no, like, really areas for her

1 to go to. She was in an area that most of the
2 patients were heavily medicated, and they
3 threatened her with her medications. She
4 didn't have -- of course, she didn't have the
5 phone. She did not believe that she was
6 receiving adequate medical care. She didn't
7 see specialists, like eye doctors. They
8 didn't take her to see eye doctors, foot
9 doctors, dentists. That -- at all, even
10 though she had requested, and she said, "All
11 they tell me is I'm on the list. I'm not the
12 list."

13 Q The list, is that for physicians who visited
14 the facility and the residents?

15 A I don't know what the list is.

16 Q Did you know at the time were there any
17 discussions as to actually what doctors she
18 was seeing or not seeing?

19 A Like I said, I wasn't privileged.

20 Q As far as the food goes, was it a matter of
21 she didn't like the taste of it or that she
22 thought it wasn't healthy food, or what was
23 the complaint about the food?

24 A She basically didn't like it, and I happened
25 to see a meal be served to a patient, and I

Affidavit

In the Matter of:

County:

FileNumber: **05-10849-RGS**

Caption: **Helen A. Runge,**
v.
Walter J. Kelly, et al.

THIS is to certify that **Dorothy Stanley - Day 2**, at
his/her deposition taken on **Wednesday, November 15, 2006** reserved the right to read over a
sign the transcript of his/her deposition;

THAT the deponent was provided with a copy of said transcript, along with an errata sheet
on which to record any corrections desired;

THAT the deponent was given at least 30 days to return said errata sheet to me for filing
with the transcript;

THAT after the designated time, I had no response from the deponent and, therefore, am
filing this transcript with proper authorities in absence of any signature.



Signature of Court Reporter

Mai-Beth Ketch

Wednesday, January 31, 2007

Date